

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE
No. 04-239

CASE NO. 04-239

JUDGE RICHARD H. ALBRITTON, JR.

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NOTICE OF WITHDRAWING MOTION TO STRIKE

COMES NOW the Honorable Richard Albritton, by and through his undersigned counsel and files this his Notice of Withdrawing Motion to Strike and sets forth the following information:

1. On November 28, 2005, Special Counsel filed its Motion to Compel. The body of the Motion appeared to be directed to the Florida Supreme Court rather than the Hearing Panel. Since Florida Judicial Qualification Commission Rule 7(b) requires any pre-trial motion to be filed before the Hearing Panel rather than the Court, Judge Albritton served a Motion to Strike on December 14, 2005.

2. Special Counsel has represented that that it was the JQC's intention to file its Motion to Compel before the Hearing Panel and that the JQC has submitted its Motion to the Hearing Panel for consideration and ruling. As such, the Motion to Compel appears to be filed in the appropriate forum.

WHEREFORE and by reason of the foregoing, Judge Albritton
hereby withdraws his Motion to Strike.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December, 2005, the original of the foregoing Notice of Withdrawing Motion to Strike has been filed via e-file@flcourts.org and furnished by FedEx overnight delivery to:

Honorable Thomas D. Hall
Clerk
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399-1927

with copies by U. S. Mail to:

Ms. Brooke S. Kennerly
Executive Director
Florida Judicial Qualifications Commission
1110 Thomasville Road
Tallahassee, Florida 32303

Judge James R. Wolf
Chairman, Hearing Panel
Florida Judicial Qualifications Commission
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